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23 UNITED STATES DISTRICT COURT  
 24 SOUTHERN DISTRICT OF CALIFORNIA

25 GEN-PROBE, INCORPORATED,  
 26 Plaintiff,  
 27 v.  
 28 VYSIS, INC.,  
 Defendant.

CASE NO. 99CV 2668H (AJB)

**DECLARATION OF L. SCOTT  
 BURWELL IN SUPPORT OF VYSIS'  
 OPPOSITION TO GEN-PROBE  
 INCORPORATED'S MOTION FOR  
 PARTIAL SUMMARY JUDGMENT  
 OF NONINFRINGEMENT UNDER  
 THE DOCTRINE OF EQUIVALENTS**

Date: November 13, 2001  
 Time: 10:30 a.m.  
 Place: Courtroom 1

**FILED BY FAX**

I, L. Scott Burwell, declare and state as follows:

- 1. I have personal knowledge of the facts set forth in this declaration.



**EXHIBITS**

**Declaration of L. Scott Burwell in Support of Vysis' Opposition to Gen-Probe Incorporated's Motion for Partial Summary Judgment of Noninfringement under the Doctrine of Equivalents**

Exhibit A	Publication by Craig S. Hill, Ph.D., entitled "Gen-Probe Transcription-Mediated Amplification: System Principles." .....	3
Exhibit B	Excerpt from Dr. Daniel L. Kacian's laboratory notebook number 1728 [FILED UNDER SEAL] .....	7
Exhibit C	Pages 202-203 of the deposition of Dr. Daniel L. Kacian [FILED UNDER SEAL] .....	8
Exhibit D	Publication by Powell et al., "A Novel Form of Tissue-Specific RNA Processing Produces Apolipoprotein-B48 in Intestine," .....	9